

APPENDIX

B

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Winston & Cashatt

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Kirk D. Miller
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209 E. Sprague Ave.
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(509) 413-1494
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

KELLI GRAY, and all other similarly
situated,

Plaintiff,

v.

SUTTELL & ASSOCIATES, P.S.;
MIDLAND FUNDING, LLC; MARK
T. CASE, and JANE DOE CASE,
husband and wife, KAREN HAMMER
and JOHN DOE HAMMER

Defendants.

Case No.: CV-09-251-EFS

NOTICE OF 30(b)(6) DEPOSITION
OF MIDLAND CREDIT
MANAGEMENT

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal
Rules of Civil Procedure, on **December 07, 2010**, beginning at **9:00 a.m. p.s.t.** and
continuing until completed at Peterson Reporting, 530 B Street, Suite 350, Union

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -1-

MICHAEL D. KINKLEY P.S.
4407 N. Division, Suite 914
Spokane Washington 99207
(509) 484-5611

1 Bank Building, San Diego, CA 92010, Plaintiff through counsel will take the
2 deposition of the designated representative of Midland Credit Management. The
3 deposition will be recorded by audio visual and stenographic means. The video
4 equipment will be operated by Brian Brault, 945 Chalcedlly St. Apt #2, San
5 Diego, CA 92109.

7 The designated representative of Midland Credit Management should be
8 prepared to testify regarding:

- 10 1. Hierarchy and business structure of Midland Credit Management, Inc.;
- 11 2. The 10-Q and 8-K filed by Encore Capitol Group, Inc. (on behalf of
12 Midland Credit Management);
- 13 3. Funding of Midland Funding, LLC, including but not limited to purchases
14 of portfolios;
- 15 4. The relationship of Midland Credit Management, Inc. and Midland
16 Funding, LLC;
- 17 5. The relationship of Midland Credit Management, Inc. and Midland
18 Funding, LLC;
- 19 6. The corporate structure of Midland Credit Management, including the
20 names and main offices of its officers, directors, majority shareholders,
21 board members, and managers;
- 22 7. The purchase amount of the alleged debt of Plaintiff Kelli Gray;
- 23
- 24
- 25

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -2-

MICHAEL D. KINKLEY P.S.
4407 N. Division, Suite 914
Spokane Washington 99207
(509) 484-5611

- 1 8. The purchase amount of the portfolio containing the alleged debt of
- 2 Plaintiff Kelli Gray;
- 3
- 4 9. The purchase procedure of the alleged debt of Plaintiff Kelli Gray;
- 5
- 6 10. The source of funds to purchase the alleged debt of Plaintiff Kelli Gray;
- 7
- 8 11. The exchange of money between Encore Capitol Group, Inc. and Midland
- 9 Credit Management, Inc.
- 10
- 11 12. The exchange of money between Midland Credit Management, Inc. and
- 12 Midland Funding, LLC;
- 13
- 14 13. The solicitation of accounts in default;
- 15
- 16 14. The names of the buyers of accounts in default;
- 17
- 18 15. The name of the department that identifies and/or evaluates, and/or
- 19 purchases debt portfolios.
- 20
- 21 16. Attorney agreement(s) with Suttell & Hammer, P.S. (formerly Suttell &
- 22 Associates, P.S.);
- 23
- 24 17. The alleged debt of Plaintiff Kelli Gray, its history, origin, purchase and
- 25 identification of assignment;
18. "Portfolio 715" and/or "Port ID 715" (See Midland Production, Bates #
- 10);
19. The net worth of Midland Credit Management;

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -3-

MICHAEL D. KINKLEY P.S.
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- 1 20. The relationship between Midland Credit Management and Suttell &
2 Hammer, P.S. (formerly Suttell & Associates, P.S., collectively "Suttell");
- 3
- 4 21. The relationship between Midland Funding, LLC and Suttell & Hammer,
5 P.S. (formerly Suttell & Associates, P.S., collectively "Suttell");
- 6
- 7 22. The relationship between Encore Capitol Group, Inc. and Suttell &
8 Hammer, P.S. (formerly Suttell & Associates, P.S., collectively "Suttell")
- 9
- 10 23. The procedures to determine the statute of limitations on accounts owned
11 or collected by Midland Credit Management, Inc.;
- 12
- 13 24. The development of the procedures to determine the statute of limitations
14 on accounts owned or collected by Midland Credit Management, Inc.
- 15
- 16 25. The procedures used to identify and/or screen cases beyond the statute of
17 limitations to sue for relief and their developments
- 18
- 19 26. The procedure used to determined the statute of limitations on the alleged
20 account of Plaintiff Kelli Gray;
- 21
- 22 27. The procedures of Midland Credit Management to ensure compliance with
23 the Fair Debt Collection Practices Act (15 USC § 1692), the Washington
24 Consumer Protection Act (RCW 19.86 *et seq.*), the Washington Collection
25 Agency Act (RCW 19.16 *et. seq.*);
28. The details and contents of all personnel files for the individuals that
worked on Plaintiffs' alleged collection account;

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -4-

MICHAEL D. KINKLEY P.S.
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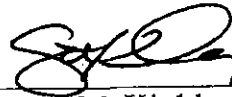
- 1 29. Who pays employees of Encore Capitol Group, Inc.?
- 2 30. Who pays employees of Midland Funding, LLC?
- 3 31. Who pays employees of Midland Credit Management?
- 4 32. Software used by Midland Credit Management to manage its accounts,
5 including but not limited to software used to transfer accounts or rights to
6 accounts and communicate with any other entity regarding an account;
7 33. The history, specific details, and resolution of any formal and informal
8 complaints, Better Business Bureau Complaints, lawsuits, regulatory
9 actions, claims, litigations, mediations, arbitrations, or other actions, legal
10 or otherwise, connected to or arising out of Midland Credit Management's
11 business, in the period from August 12, 2005 to the present;
12 34. The history, specific details, and resolution of any formal and informal
13 complaints, Better Business Bureau Complaints, lawsuits, regulatory
14 actions, claims, litigations, mediations, arbitrations, or other actions, legal
15 or otherwise, connected to or arising out of the use of affidavits of
16 Midland Credit Management employees, in the period from August 12,
17 2005 to the present;
18 35. Midland Credit Management's business operations;
- 19
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NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -5-

MICHAEL D. KINKLEY P.S.
4407 N. Division, Suite 914
Spokane Washington 99207
(509) 484-5611

1 Dated this the 9th day of November, 2010.

2
3 *Michael D. Kinkley P.S.*

4 

5 Scott M. Kinkley
6 WSBA # 42434
7 Attorney for Plaintiff
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NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -6-

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14 kmiller@millerlawspokane.com

11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF WASHINGTON

13 KELLI GRAY, and all other similarly
14 situated,

15 Plaintiff,

17 v.

18 SUTTELL & ASSOCIATES, P.S.;
19 MIDLAND FUNDING, LLC; MARK
20 T. CASE, and JANE DOE CASE,
21 husband and wife, KAREN HAMMER
22 and JOHN DOE HAMMER

22 Defendants.

Case No.: CV-09-251-EFS

NOTICE OF 30(b)(6) DEPOSITION
OF ENCORE CAPITAL GROUP INC.

23 PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal
24 Rules of Civil Procedure, on **December 8, 2010**, beginning at **9:00 a.m. p.s.t.** and
25 continuing until completed at Peterson Reporting, 530 B Street, Suite 350, Union

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -1-

MICHAEL D. KINKLEY P.S.
4407 N. Division, Suite 914
Spokane Washington 99207
(509) 484-5611

ORIGINAL

1 Bank Building, San Diego, CA 92010, Plaintiff through counsel will take the
2 deposition of the designated representative of Encore Capital Group Inc. The
3 deposition will be recorded by audio visual and stenographic means. The video
4 equipment will be operated by Brian Brault, 945 Chalcedlly St. Apt #2, San
5 Diego, CA 92109.
6

7 The designated representative of Encore Capital Group Inc. should be
8 prepared to testify regarding:
9

- 10 1. Hierarchy and business structure of Encore Capital Group, Inc.;
- 11 2. The validity of 10-Q and 8-K filed by Encore Capital Group, Inc.;
- 12 3. Funding of Midland Funding, LLC, including but not limited to purchases
13 of portfolios;
- 14 4. The relationship of Encore Capital Group, Inc. and Midland Funding,
15 LLC;
- 16 5. The relationship of Encore Capital Group, Inc. and Midland Credit
17 Management;
- 18 6. The corporate structure of Encore Capital Group Inc., including the names
19 and main offices of its officers, directors, majority shareholders, board
20 members, and managers;
- 21 7. The purchase amount of the alleged debt of Plaintiff Kelli Gray;
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- 23
- 24
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NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -2-

MICHAEL D. KINKLEY P.S.
4407 N. Division, Suite 914
Spokane Washington 99207
(509) 484-5611

- 1 8. The purchase amount of the portfolio containing the alleged debt of
- 2 Plaintiff Kelli Gray;
- 3
- 4 9. The purchase procedure of the alleged debt of Plaintiff Kelli Gray;
- 5
- 6 10. The source of funds to purchase the alleged debt of Plaintiff Kelli Gray;
- 7
- 8 11. The exchange of money between Encore Capitol Group, Inc. and Midland
- 9 Credit Management, Inc.
- 10
- 11 12. The exchange of money between Encore Capitol Group, Inc. and Midland
- 12 Funding, LLC;
- 13
- 14 13. The solicitation of accounts in default;
- 15
- 16 14. The names of the buyers of accounts in default;
- 17
- 18 15. The name of the department that identifies and/or evaluates, and/or
- 19 purchases debt portfolios.
- 20
- 21 16. Attorney agreement(s) with Suttell & Hammer, P.S. (formerly Suttell &
- 22 Associates, P.S.);
- 23
- 24 17. The alleged debt of Plaintiff Kelli Gray, its history, origin, purchase and
- 25 identification of assignment;
18. "Portfolio 715" and/or "Port ID 715" (*See* Midland Production, Bates #
- 10);
19. The net worth of Encore Capital Group Inc.;

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -3-

MICHAEL D. KINKLEY P.S.
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- 1 20. The relationship between Midland Credit Management and Suttell &
2 Hammer, P.S. (formerly Suttell & Associates, P.S., collectively "Suttell");
3
- 4 21. The relationship between Midland Funding, LLC and Suttell & Hammer,
5 P.S. (formerly Suttell & Associates, P.S., collectively "Suttell");
6
- 7 22. The relationship between Encore Capital Group, Inc. and Suttell &
8 Hammer, P.S. (formerly Suttell & Associates, P.S., collectively "Suttell")
9
- 10 23. The details and contents of all personnel files for the individuals that
11 worked on Plaintiffs' alleged collection account;
12
- 13 24. Who pays employees of Encore Capital Group, Inc.?
14
- 15 25. Who pays employees of Midland Funding, LLC?
16
- 17 26. Who pays employees of Midland Credit Management?
18
- 19 27. Software used by Encore Capital Group Inc. to manage its accounts,
20 including but not limited to software used to transfer accounts or rights to
21 accounts and communicate with any other entity regarding an account;
22
- 23 28. The history, specific details, and resolution of any formal and informal
24 complaints, Better Business Bureau Complaints, lawsuits, regulatory
25 actions, claims, litigations, mediations, arbitrations, or other actions, legal
or otherwise, connected to or arising out of Encore Capital Group Inc.'s
business, in the period from August 12, 2005 to the present;

1 29. The history, specific details, and resolution of any formal and informal
2 complaints, Better Business Bureau Complaints, lawsuits, regulatory
3 actions, claims, litigations, mediations, arbitrations, or other actions, legal
4 or otherwise, connected to or arising out of the use of affidavits of
5 Midland Credit Management employees, in the period from August 12,
6 2005 to the present;
7

8
9 30. Encore Capital Group Inc.'s business operations;

10 Dated this the 9th day of November, 2010.
11

12 *Michael D. Kinkley P.S.*

13 

14 Scott M. Kinkley
15 WSBA # 42434
16 Attorney for Plaintiff
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

KELLI GRAY, and all other similarly
situated,

Plaintiff,

v.

SUTTELL & ASSOCIATES, P.S.;
MIDLAND FUNDING, LLC; MARK
T. CASE, and JANE DOE CASE,
husband and wife, KAREN HAMMER
and JOHN DOE HAMMER

Defendants.

Case No.: CV-09-251-EFS

NOTICE OF 30(b)(6) DEPOSITION
OF DEFENDANT MIDLAND
FUNDING, LLC

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of
Civil Procedure, on **December 9, 2010**, beginning at **9:00 a.m. p.s.t.** and
continuing until completed at Peterson Reporting, 530 B Street, Suite 350, Union

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -1-

MICHAEL D. KINKLEY P.S.
4407 N. Division, Suite 914
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1 Bank Building, San Diego, CA 92010, Plaintiff through counsel will take the
2 deposition of the designated representative of Defendant Midland Funding, LLC.
3 The deposition will be recorded by audio visual and stenographic means. The
4 video equipment will be operated by Brian Brault, 945 Chalcedony St. Apt #2, San
5 Diego, CA 92109.
6

7 The designated representative of Defendant Midland Funding, LLC should
8 be prepared to testify regarding:
9

- 10 1. Hierarchy and business structure of Midland Funding, LLC;
- 11 2. Funding of Midland Funding, LLC, including but not limited to purchases
12 of portfolios;
- 13 3. The relationship of Midland Funding, LLC and Encore Capitol Group, Inc.
- 14 4. The relationship of Midland Funding, LLC and Midland Credit
15 Management;
- 16 5. The corporate structure of Midland Funding, LLC, including the names
17 and main offices of its officers, directors, majority shareholders, board
18 members, and managers;
- 19 6. The purchase amount of the alleged debt of Plaintiff Kelli Gray;
- 20 7. The purchase amount of the portfolio containing the alleged debt of
21 Plaintiff Kelli Gray;
- 22 8. The purchase procedure of the alleged debt of Plaintiff Kelli Gray;
- 23
- 24
- 25

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -2-

MICHAEL D. KINKLEY P.S.
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(509) 484-5611

- 1 9. The source of funds to purchase the alleged debt of Plaintiff Kelli Gray;
- 2 10. The exchange of money between Encore Capitol Group, Inc. and Midland
- 3 Funding, LLC, Inc.
- 4
- 5 11. The exchange of money between Midland Credit Management, Inc. and
- 6 Midland Funding, LLC;
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- 8 12. The solicitation of accounts in default;
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- 10 13. The names of the buyers of accounts in default;
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- 12 14. The name of the department that identifies and/or evaluates, and/or
- 13 purchases debt portfolios.
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- 15 15. Attorney agreement(s) with Suttell & Hammer, P.S. (formerly Suttell &
- 16 Associates, P.S.);
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- 18 16. The alleged debt of Plaintiff Kelli Gray, its history, origin, purchase and
- 19 identification of assignment;
- 20
- 21 17. "Portfolio 715" and/or "Port ID 715" (*See* Midland Production, Bates #
- 22 10);
- 23
- 24 18. The net worth of Midland Funding, LLC;
- 25
19. The relationship between Midland Credit Management and Suttell &
- Hammer, P.S. (formerly Suttell & Associates, P.S., collectively "Suttell");
20. The relationship between Midland Funding, LLC and Suttell & Hammer,
- P.S. (formerly Suttell & Associates, P.S., collectively "Suttell");

NOTICE OF DEPOSITION
PURSUANT TO FRCP 30(b)(6) -3-

MICHAEL D. KINKLEY P.S.
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- 1 21. The relationship between Encore Capitol Group, Inc. and Suttell &
2 Hammer, P.S. (formerly Suttell & Associates, P.S., collectively "Suttell")
3
- 4 22. The procedures to determine the statute of limitations on accounts owned
5 or collected by Midland Funding, LLC;
- 6 23. The development of the procedures to determine the statute of limitations
7 on accounts owned or collected by Midland Funding, LLC.
8
- 9 24. The procedures used to identify and/or screen cases beyond the statute of
10 limitations to sue for relief and their developments
11
- 12 25. The procedure used to determined the statute of limitations on the alleged
13 account of Plaintiff Kelli Gray;
- 14 26. The procedures of Midland Funding, LLC to ensure compliance with the
15 Fair Debt Collection Practices Act (15 USC § 1692), the Washington
16 Consumer Protection Act (RCW 19.86 *et seq.*), the Washington Collection
17 Agency Act (RCW 19.16 *et. seq.*);
18
- 19 27. The details and contents of all personnel files for the individuals that
20 worked on Plaintiffs' alleged collection account;
21
- 22 28. Who pays employees of Encore Capitol Group, Inc.?
- 23 29. Who pays employees of Midland Funding, LLC?
- 24 30. Who pays employees of Midland Credit Management?
25

- 1 31. Software used by Midland Funding, LLC to manage its accounts,
2 including but not limited to software used to transfer accounts or rights to
3 accounts and communicate with any other entity regarding an account;
- 4 32. The factual basis for Midland Funding, LLC's Answer to Plaintiff's
5 Complaint;
- 6 33. Any and all other information related to Midland Funding, LLC's defenses
7 contained in its Answer to Plaintiff's Complaint;
- 8 34. Any bona fide error defense Midland Funding, LLC may have with regard
9 to the allegations set forth in the Complaint;
- 10 35. The history, specific details, and resolution of any formal and informal
11 complaints, Better Business Bureau Complaints, lawsuits, regulatory
12 actions, claims, litigations, mediations, arbitrations, or other actions, legal
13 or otherwise, connected to or arising out of Midland Funding, LLC's
14 business, in the period from August 12, 2005, to the present;
- 15 36. The history, specific details, and resolution of any formal and informal
16 complaints, Better Business Bureau Complaints, lawsuits, regulatory
17 actions, claims, litigations, mediations, arbitrations, or other actions, legal
18 or otherwise, connected to or arising out of the use of affidavits of
19 Midland Credit Management employees, in the period from August 12,
20 2005, to the present;
- 21
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1 37. Midland Funding, LLC's business operations;

2 38. Any and all other information related to Plaintiff's claims against Midland
3 Funding, LLC;
4

5 Dated this the 9th day of November, 2010.

6 *Michael D. Kinkley P.S.*

7 

8
9 Scott M. Kinkley
WSBA # 42434
Attorney for Plaintiff
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